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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Criminal Case No. CR 08-00328-RMW
)	
Plaintiff,)	
)	STIPULATION OF PARTIES
)	FOR CONTINUANCE OF
v.)	HEARING ON DEFENDANT'S
)	MOTION FOR FOREIGN
PAULA LUNA ALVAREZ,)	DEPOSITIONS AND []
a/k/a PAULA LUNA,)	ORDER
a/k/a PAULA JUAREZ)	
CARLOS CONTRERAS DEL CARMEN,)	
a/k/a CARLOS F. CONTRERAS,)	San Jose Venue
a/k/a CARLOS F. DEL CARMEN,)	
)	
Defendants.)	

With the agreement of the parties, and with the consent of the defendants, PAULA LUNA ALVAREZ, a/k/a PAULA LUNA, a/k/a PAULA JUAREZ, CARLOS CONTRERAS DEL CARMEN a/k/a CARLOS F. CONTRERAS, a/k/a CARLOS F. DEL CARMEN,, the Court enters this order (1) vacating the hearing on motion for foreign depositions, currently set for May 10, 2010 at 9:00 a.m.; and (2) setting a new motion hearing for both defendants for May 24, 2010 at 9:00 a.m.. The parties agree, and the Court finds and holds, as follows:

1. The federal grand jury returned a superseding indictment against the defendants on March 31, 2010, which included additional counts of violation of criminal immigration charges, money laundering and social security fraud. Both defenants were subsequently arraigned on the superseding information and a motion hearing date was set for May 10, 2010 at 9 a.m. for hearing on any additional request for foreign depositions.
2. On April 23, 2010, the defendants filed a supplemental request for additional person to be deposed in Mexico City pursuant to Rule 15 of Fed.R.Crim.P.
3. Based upon that recent filing and in conjunction with the defendants' previous request for depositions of certain individuals, the defendants are moving for at least seven person be deposed in the Republic of Mexico, in addition to the three individuals initially identified by the Untied States as persons to be deposed.
4. Counsel for the United States will be unavailable during the week of May 10, 2010, but will be returning to the District on Monday, May 24, 2010.
5. All parties have been consulted regarding a new date for hearing on defendants' supplemental motion for additional foreign depositions, and all parties have agree and stipulated to a brief continuance of one week for hearing on motions to take place on Monday, May 24, 2010 at 9 a.m.

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10. The parties, including both defendants, PAULA LUNA ALVAREZ and CARLOS DEL CARMEN, agree to a waiver of time for the purposes of the Speedy Trial Act and agree that the period of time between May 10, 2010, 2010 through May 24, 2010 may be excluded in light of the need for additional time for continuity of counsel and adequate defense preparation.

SO STIPULATED.

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: _____

RICHARD C. CHENG
Assistant U.S. Attorney

DATED: _____

ALEX C. PARK, ESQ.
Counsel for Paula Luna Alvarez

DATED: _____

GEORGE G. BENETATOS, ESQ.
Counsel for Carlos Del Carmen

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA


UNITED STATES OF AMERICA,)	Criminal Case No. CR 09-00328-RMW
)	
Plaintiff,)	
)	[] ORDER
)	
v.)	
)	
PAULA LUNA ALVAREZ,)	
a/k/a PAULA LUNA,)	
a/k/a PAULA JUAREZ)	
CARLOS CONTRERAS DEL CARMEN,)	
a/k/a CARLOS F. CONTRERAS,)	San Jose Venue
a/k/a CARLOS F. DEL CARMEN,)	
)	
Defendants.)	
)	

For the reasons stated in the parties Stipulation To Continue Sentencing, and for good cause shown, the Court vacates the May 10, 2010 motions hearing date with respect to both defendants PAULA LUNA ALVAREZ and CARLOS DEL CARMEN, and sets a new pre-trial motions hearing date of May 24, 2010, at 9:00 a.m.

1 Further, based upon the representation of counsel and for good cause shown, the Court
2 finds that failing to exclude the time between May 10, 2010 and May 24, 2010 would unreasonably
3 deny the defendant continuity of counsel and would deny counsel the reasonable time necessary
4 for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.
5 § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
6 between May 10, 2010 and May 24, 2010 from computation under the Speedy Trial Act outweigh
7 the best interests of the public and the defendant in a speedy trial.

8 Therefore, IT IS HEREBY ORDERED that the time between May 10, 2010 and May 24,
9 2010 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A)
10 and (B)(iv).

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12 DATED: 5/6/10

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15 HON. RONALD M. WHYTE
16 United States District Judge
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